

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

CRYSTAL LYNN BOUCHER,)
)
Plaintiff,)
)
v.) Case No. 19-00501-CV-W-MDH-SSA
)
ANDREW SAUL,)
Commissioner of Social Security,)
)
Defendant.)

ORDER

Before the Court is Plaintiff's Attorney's Motion for an Award of Attorney Fees under the Equal Access to Justice Act, 28 U.S.C. § 2412. (Doc. 24). Plaintiff's Attorney's Motion seeks \$10,323.93. The EAJA creates a right to attorney fees in civil actions against the government. The EAJA statute provides legal fees may be allowed only for an adversary action, such as a SSA claim in district court. 42 U.S.C. § 406(b)(1); *Clifton v. Heckler*, 755 F.2d 1138 (5th Cir. 1985). After the parties conferred, Plaintiff and Defendant have stated that they have agreed to an award of EAJA fees and expenses in the amount of \$7,500. (Doc. 26).

In addition, Plaintiff requests reimbursement for the \$400 filing fee. (Doc. 24). The filing fee is a cost which is distinguished from an expense under the EAJA, *see* 28 U.S.C. § 2412(a), and Defendant agrees that Plaintiff should be compensated for the filing fee of \$400.00 from the Judgment Fund administered by the United States Treasury.

Therefore, Plaintiff's Attorney's Motion is **GRANTED IN PART**, and it is **ORDERED** that Plaintiff's Attorney is awarded \$7,500 to be paid by the Social Security Administration, and costs of \$400.00 to be paid from the Judgment Fund.

The Court acknowledges that, in accordance with *Astrue v. Ratliff*, 560 U.S. 586 (2010), the EAJA fee is payable to Plaintiff as the litigant and may be subject to offset to satisfy a pre-existing debt that the litigant owes to the United States.

IT IS SO ORDERED.

Dated: December 2, 2020

/s/ Douglas Harpool
DOUGLAS HARPOOL
United States District Judge